



WEB COPY



W.P.No.25215 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :04.09.2024

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.25215 of 2024

1.V.Nagapooshnam
2.P.Jayalakshmi
3.Mariammmal
4.S.Mohana Sundari
5.V.Janaki

..Petitioners

Vs.

1. The District Registrar
North, Kuralagam
Chennai-600 108.

2. The Sub-Registrar
Thiruvottiur
O/o. Sub-Registrar
WIMCO
Thiruvottiur, Chennai-600 019.

3.V.Gopi
4.Aruldoss
5.R.Ranjini

..Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 1st Respondent herein to dispose the complaint dated 23.08.2022, pending before the 1st respondent herein, within the stipulated period by this Court.



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W.P.No.25215 of 2022.

For Petitioners : Mr. G.Thangavel
For Respondents 1 and 2 : Mr.M.Shahjahan
Special Government Pleader

ORDER

The petitioners herein seek a direction to respondents to dispose of the complaint preferred by the petitioners dated 23.08.2022.

2. According to the petitioners, they are all the legal heirs of the deceased Vijayan. The land in Survey No.341/1 with an extent of 0.70 acres at Athipattu village, Ponneri Taluk, Thiruvallur District originally belongs to one Govindasamy, grandfather of the petitioners 2 to 4 herein. Though the land has been in possession and enjoyment of the petitioners, it had been declared as “Anadhinam” land as petitioners' predecessor failed to apply for a ryotwaripatta. Later, the revenue patta has been issued in the names of Gopi and Aruldoss, the 3rd and 4th respondents herein. Based on the patta obtained by them ignoring the other legal heirs of said Govindasamy, the above said persons sold the property in favour of Mrs.R. Ranjini by registered sale deed dated 17.07.2017. It is the case of the petitioners that the revenue patta obtained by the said Gopi and Aruldoss are not legally tenable. Therefore, the sale deed executed by them based on the said patta has to be cancelled as a



W.P.No.25215 of 2022.

fraudulent forged document. The complaint was preferred by the petitioners seeking cancellation of the above said document on the ground of forgery and fraud.

3. In view of the order passed by the Division Bench of this Court in the case of *M.Kathirvel Vs The Inspector General of Registration* in *W.P.Nos.10291 of 2022 and batch*, Section 77A of Registration Act has been struck down and therefore, there is no provision enabling the respondents to cancel the registered document. In such circumstances, this Court is not inclined to issue any direction to respondents to consider the complaint preferred by the petitioners. Accordingly, the writ petition stands dismissed with liberty to the petitioners to work out their remedy before the competent Civil Court. No costs.

04.09.2024
(1/2)

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
nr

S.SOUNTHAR, J.



W.P.No.25215 of 2024 .

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To

1. The District Registrar
North, Kuralagam
Chennai-600 108.

2. The Sub-Registrar
Thiruvottiyur
O/o. Sub-Registrar
WIMCO
Thiruvottiyur, Chennai-600 019.

W.P No.25215 of 2024

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